

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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1 **SECTION 1.** 48.21 (3) (f) of the statutes is created to read:

2 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide
3 the names and other identifying information of 3 relatives of the child or other
4 individuals 18 years of age or over whose homes the parent requests the court to
5 consider as placements for the child. If the parent does not provide that information
6 at the hearing, the county department, the department in a county having a
7 population of 500,000 or more, or the agency primarily responsible for providing
8 services to the child under the custody order shall permit the parent to provide the
9 information at a later date.

4 ↓

10 **SECTION 2.** 48.21 (5) (b) 2m. of the statutes is created to read:

11 48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)
12 (br) 1., who have also been removed from the home, a finding as to whether the intake
13 worker has made reasonable efforts to place the child in a placement that enables the
14 sibling group to remain together, unless the judge or circuit court commissioner
15 determines that a joint placement would be contrary to the safety or well-being of the
16 child or any of those siblings, in which case the judge or circuit court commissioner
17 shall order the county department, department in a county having a population of
18 500,000 or more, or agency primarily responsible for providing services to the child
19 under the custody order to make reasonable efforts to provide for frequent visitation
20 or other ongoing interaction between the child and the siblings, unless the judge or
21 circuit court commissioner determines that such visitation or interaction would be
22 contrary to the safety or well-being of the child or any of those siblings.

23 X **SECTION 3.** 48.21 (5) (c) of the statutes is amended to read:

1 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
2 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances
3 specific to the child and shall document or reference the specific information on
4 which those findings are based in the custody order. A custody order that merely
5 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
6 information in the custody order ~~or an amended custody order that retroactively~~
7 ~~corrects an earlier custody order that does not comply with this paragraph~~ is not
8 sufficient to comply with this paragraph.

History: 1977 c. 354, 447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292; 2001 a. 16, 61, 109; 2005 a. 232; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 10-14)

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9 **SECTION 4.** 48.21 (5) (e) of the statutes is created to read:

10 48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,
11 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child,
12 whether by blood, marriage, or legal adoption, who has attained 18 years of age.

13 2. The court shall order the county department, the department in a county
14 having a population of 500,000 or more, or the agency primarily responsible for
15 providing services to the child under the custody order to conduct a diligent search
16 in order to locate and provide notice of the information specified in this subdivision
17 to all relatives of the child named under sub. (3) (f) and to all adult relatives of the
18 child within 30 days after the child is removed from the custody of the child's parent
19 unless the child is returned to his or her home within that period. The court may also
20 order the county department, department, or agency to conduct a diligent search in
21 order to locate and provide notice of the information specified in this subdivision
22 all other adult individuals named under sub. (3) (f) within 30 days after the child is

1 removed from the custody of the child's parent unless the child is returned to his or
2 her home within that period. The county department, department, or agency may
3 not provide that notice to a person named under sub. (3) (f) or to an adult relative if
4 the county department, department, or agency has reason to believe that it would be
5 dangerous to the child or to the parent if the child were placed with that person or
6 adult relative. The notice shall include all of the following:

7 a. A statement that the child has been removed from the custody of the child's
8 parent.

9 b. A statement that explains the options that the person provided with the
10 notice has under state or federal law to participate in the care and placement of the
11 child, including any options that may be lost by failing to respond to the notice.

12 c. A description of the requirements to obtain a foster home license under s.
13 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
14 (3m) or (3n) and of the additional services and supports that are available for
15 children placed in a foster home or in the home of a person receiving those payments.

16 d. A statement advising the person provided with the notice that he or she may
17 incur additional expenses if the child is placed in his or her home and that
18 reimbursement for some of those expenses may be available.

19 e. The name and contact information of the agency that removed the child from
20 the custody of the child's parent.

21 **SECTION 5.** 48.245 (2) (b) of the statutes is amended to read:

1 48.245 (2) (b) Informal disposition may not include any form of residential
2 out-of-home placement and may not exceed 6 months, except as provided under sub.
3 (2r).

History: 1977 c. 354; 1979 c. 300, 331, 359; 1985 a. 311; 1987 a. 27, 285, 339, 403; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 275, 448; 1997 a. 80, 292; 2007 a. 199.

(END OF INSERT)

(INSERT 11-10)

4 **SECTION 6.** 48.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin Acts
5 28 and (this act), is repealed and recreated to read:

6 48.27 (3) (a) 1m. The court shall give a foster parent or other physical custodian
7 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right to be heard
8 at the hearing by permitting the foster parent or other physical custodian to make
9 a written or oral statement during the hearing, or to submit a written statement
10 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
11 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
12 a hearing under subd. 1. and a right to be heard under this subdivision does not
13 become a party to the proceeding on which the hearing is held solely on the basis of
14 receiving that notice and right to be heard.

NOTE: NOTE: Subd. 1m. is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

15 1m. The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard
16 at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior
17 to the hearing, relevant to the issues to be determined at the hearing. A foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a
18 hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis
19 of receiving that notice and opportunity to be heard.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28.

(END OF INSERT)

(INSERT 13-3)

20 **SECTION 7.** 48.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28 and
21 (this act), is repealed and recreated to read:

48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the child who is the subject of the proceeding is in the care of a foster parent or other physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian notice and a right to be heard as provided in sub. (3) (a).

NOTE: NOTE: Sub. (6) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(6) When a proceeding is initiated under s. 48.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court, consistent with applicable governing statutes. In addition, if the child who is the subject of the proceeding is in the care of a foster parent or other physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 227, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28.

SECTION 8. 48.32 (1) (b) 1. c. of the statutes is amended to read:

48.32 (1) (b) 1. c. ~~A~~ If a permanency plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

The consent decree shall include ✓

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20; 2009 a. 28.

SECTION 9. 48.32 (1) (b) 1m. of the statutes is created to read:

48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been removed from the home, a finding as to whether the county department, department in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the judge or circuit court commissioner determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the judge or circuit court commissioner shall order the county

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1 department, department, or agency to make reasonable efforts to provide for
2 frequent visitation or other ongoing interaction between the child and the siblings,
3 unless the judge or circuit court commissioner determines that such visitation or
4 interaction would be contrary to the safety or well-being of the child or any of those
5 siblings.

6 **SECTION 10.** 48.32 (1) (b) 3. of the statutes is amended to read:

7 48.32 (1) (b) 3. The judge or circuit court commissioner shall make the findings
8 specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific
9 to the child and shall document or reference the specific information on which those
10 findings are based in the consent decree. A consent decree that merely references
11 subd. 1. or 2. without documenting or referencing that specific information in the
12 consent decree ~~or an amended consent decree that retroactively corrects an earlier~~
13 ~~consent decree that does not comply with this subdivision~~ is not sufficient to comply
14 with this subdivision.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20; 2009 a. 28.

15 **SECTION 11.** 48.33 (4) (c) of the statutes is amended to read:

16 48.33 (4) (c) Specific information showing that continued placement of the child
17 in his or her home would be contrary to the welfare of the child, specific information
18 showing that the county department, the department, in a county having a
19 population of 500,000 or more, or the agency primarily responsible for providing
20 services to the child has made reasonable efforts to prevent the removal of the child
21 from the home, while assuring that the child's health and safety are the paramount
22 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
23 applies, and, if a permanency plan has previously been prepared for the child,
24 specific information showing that the county department, department, or agency has

made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20; 2009 a. 28.

SECTION 12. 48.33 (4) (d) of the statutes is created to read:

48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement is recommended, specific information showing that the county department, department in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the county department, department, or agency recommends that the child and his or her siblings not be placed in a joint placement, in which case the report shall include specific information showing that a joint placement would be contrary to the safety or well-being of the child or any of those siblings and the specific information required under subd. 2.

2. If a recommendation is made that the child and his or her siblings not be placed in a joint placement, specific information showing that the county department, department, or agency has made reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the county department, department, or agency recommends that such visitation or interaction not be provided, in which case the report shall include specific information showing that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

SECTION 13. 48.335 (3g) (c) of the statutes is amended to read:

1 48.335 (3g) (c) That, if a permanency plan has previously been prepared for the
2 child, the county department, department, or agency has made reasonable efforts to
3 achieve the goal of the child's permanency plan, unless return of the child to the home
4 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
5 (2d) (b) 1. to 5. applies.

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28.

6 **SECTION 14.** 48.335 (3g) (d) of the statutes is created to read:

7 48.335 (3g) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
8 (br) [✓] 1., who have been removed from the home or for whom an out-of-home
9 placement is recommended, ~~specific information showing~~ that the county
10 department, department, or agency has made reasonable efforts to place the child in
11 a placement that enables the sibling group to remain together, unless the county
12 department, department, or agency recommends that the child and his or her
13 siblings not be placed in a joint placement, in which case the county department,
14 department, or agency shall present as evidence specific information showing that
15 a joint placement would be contrary to the safety or well-being of the child or any of
16 those siblings and the specific information required under subd. 2.

17 2. If a recommendation is made that the child and his or her siblings not be
18 placed in a joint placement, ~~specific information showing~~ that the county department, department, or agency has
19 made reasonable efforts to provide for frequent visitation or other ongoing
20 interaction between the child and the siblings, unless the county department,
21 department, or agency recommends that such visitation or interaction not be
22 provided, in which case the county department, department, or agency shall present
23 as evidence specific information showing that such visitation or interaction would be
24 contrary to the safety or well-being of the child or any of those siblings.

provided

SECTION 15. 48.335 (6) of the statutes is created to read:

48.335 (6) If the dispositional order places the child outside the home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the child or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the child, unless that information has previously been requested under s. 48.21 (3) (f). ✓

If the parent does not provide that information at the hearing, the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child under the dispositional order shall permit the parent to provide the information at a later date.

SECTION 16. 48.355 (2) (b) 6. of the statutes is amended to read:

48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference

the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order ~~or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision~~ is not sufficient to comply with this subdivision.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28.

SECTION 17. 48.355 (2) (b) 6p. of the statutes is created to read:

48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, a finding as to whether the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

SECTION 18. 48.355 (2) (cm) of the statutes is created to read:

48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child under the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all relatives of the child named

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5 (e) 2. a. to e.

under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of ^{that} information ~~specified in this subdivision~~ to all other adult individuals named under s. 48.335 (6) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under s. 48.335 (6) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative. ~~The notice shall include all of the information specified in s. 48.21 (5) (e) 2. a. to e.~~ ^{Provided} Subd. 1. 2. Subdivision 1. does not apply if the search required under s. 48.335 (6) was previously conducted ~~under s. 48.21 (3) (b)~~ and the notice required under subd. 1. was previously conducted under s. 48.21 (5) (e) 2. ✓

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(INSERT 13-19)

SECTION 19. 48.355 (2d) (bm) of the statutes is amended to read:

48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which that finding is based in the dispositional order. A dispositional order that merely references par. (b) 1. to 5. without documenting or referencing that specific information in the dispositional

1 ~~order or an amended dispositional order that retroactively corrects an earlier~~
2 ~~dispositional order that does not comply with this paragraph~~ is not sufficient to
3 comply with this paragraph.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28.

(END OF INSERT)

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provided under this subdivision,
sub. (2m) (bm), or

4 **SECTION 20.** 48.357 (1) (c) 2m. of the statutes is created to read:

5 48.357 (1) (c) 2m. If the court changes the child's placement from a placement
6 in the child's home to a placement outside the child's home, the parent, if present at
7 the hearing, shall be requested to provide the names and other identifying
8 information of 3 relatives of the child or other individuals 18 years of age or over
9 whose homes the parent requests the court to consider as placements for the child,
10 unless that information has previously been requested under s. 48.21 (3) (f) ~~or~~ 48.335
11 (6). If the parent does not provide that information at the hearing, the county
12 department, the department in a county having a population of 500,000 or more, or
13 the agency primarily responsible for implementing the dispositional order shall
14 permit the parent to provide the information at a later date.

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15 **SECTION 21.** 48.357 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts
16 28 and (this act), is repealed and recreated to read:

17 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
18 any change in placement requested or proposed under par. (a) if the request states
19 that new information is available that affects the advisability of the current

1 placement. A hearing is not required if the requested or proposed change in
2 placement does not involve a change in placement of a child placed in the home to
3 a placement outside the home, written waivers of objection to the proposed change
4 in placement are signed by all persons entitled to receive notice under sub. (1) (am)
5 1., other than a court-appointed special advocate, and the court approves. If a
6 hearing is scheduled, the court shall notify the child, the parent, guardian, and legal
7 custodian of the child, any foster parent or other physical custodian described in s.
8 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are
9 bound by the dispositional order, and, if the child is the expectant mother of an
10 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
11 litem, or shall notify the adult expectant mother, the unborn child by the unborn
12 child's guardian ad litem, and all parties who are bound by the dispositional order,
13 at least 3 days prior to the hearing. A copy of the request or proposal for the change
14 in placement shall be attached to the notice. If all of the parties consent, the court
15 may proceed immediately with the hearing.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a child placed in the home to a placement outside the home and written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1992 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28.

SECTION 22. 48.357 (2m) (bm) of the statutes is created to read:

48.357 (2m) (bm) If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the child or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the child,

This paragraph, ~~sub. (1) (am) 2m.~~
- 14 -
sub. (1) (am) 2m., or

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provided

1 unless that information has previously been requested under s. 48.21 (3) (f) or 48.335
2 (6). If the parent does not provide that information at the hearing, the county
3 department, the department in a county having a population of 500,000 or more, or
4 the agency primarily responsible for implementing the dispositional order shall
5 permit the parent to provide the information at a later date.

(END OF INSERT)

(INSERT 17-7)

6 **SECTION 23.** 48.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28
7 and (this act), is repealed and recreated to read:

8 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
9 in placement would remove a child from a foster home or other placement with a
10 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
11 other physical custodian a right to be heard at the hearing by permitting the foster
12 parent or other physical custodian to make a written or oral statement during the
13 hearing or to submit a written statement prior to the hearing relating to the child and
14 the requested change in placement. A foster parent or other physical custodian
15 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)
16 (b) and a right to be heard under this subsection does not become a party to the
17 proceeding on which the hearing is held solely on the basis of receiving that notice
18 and right to be heard.

NOTE: NOTE: Sub. (2r) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read: NOTE:

19 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a child from a foster home or other placement with a physical
20 custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian described in s. 48.62 (2) an opportunity to be heard at the hearing
21 by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing
22 relating to the child and the requested change in placement. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under
23 sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the
24 basis of receiving that notice and opportunity to be heard.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28.

25 **SECTION 24.** 48.357 (2v) (a) 2m. of the statutes is created to read:

^

1 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38
2 (4) (br) [✓]1., who have been placed outside the home or for whom a change in placement
3 to a placement outside the home is requested, a finding as to whether the county
4 department, the department in a county having a population of 500,000 or more, or
5 the agency primarily responsible for implementing the dispositional order has made
6 reasonable efforts to place the child in a placement that enables the sibling group to
7 remain together, unless the court determines that a joint placement would be
8 contrary to the safety or well-being of the child or any of those siblings, in which case
9 the court shall order the county department, department, or agency to make
10 reasonable efforts to provide for frequent visitation or other ongoing interaction
11 between the child and the siblings, unless the court determines that such visitation
12 or interaction would be contrary to the safety or well-being of the child or any of those
13 siblings.

14 **SECTION 25.** 48.357 (2v) (b) of the statutes is amended to read:

15 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
16 on a case-by-case basis based on circumstances specific to the child and shall
17 document or reference the specific information on which those findings are based in
18 the change in placement order. A change in placement order that merely references
19 par. (a) 1. or 3. without documenting or referencing that specific information in the
20 change in placement order ~~or an amended change in placement order that~~
21 ~~retroactively corrects an earlier change in placement order that does not comply with~~
22 ~~this paragraph~~ is not sufficient to comply with this paragraph.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 18-2)

- 16 -
s. 48.21 (5) (e) 2. a. to e.
5 e 2. a. to e.

SECTION 26. 48.357 (2v) (d) of the statutes is created to read:

48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for implementing the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all relatives of the child named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of ~~the~~ information ~~specified in this subdivision~~ to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative. ~~The notice shall include all of the information specified in s. 48.21 (5) (e) 2. a. to e.~~

2. Subdivision 1. does not apply if the search required under ~~a sub. (1) (c) 2m. or (2m) (bm)~~ was previously conducted under ~~s. 48.21 (8) (f) or 48.335 (6)~~ and the

s. 48.21 (1).

(2)

1 notice required under subd. 1. was previously provided under s. 48.21 (5) (e) 2. or
2 48.355 (cm) 1.

(END OF INSERT)

(INSERT 18-17)

3 **SECTION 27.** 48.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 48.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
6 shall notify the child, the child's parent, guardian and legal custodian, all parties
7 bound by the dispositional order, the child's foster parent or other physical custodian
8 described in s. 48.62 (2), the child's court-appointed special advocate, the district
9 attorney or corporation counsel in the county in which the dispositional order was
10 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
11 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
12 expectant mother, the unborn child through the unborn child's guardian ad litem, all
13 parties bound by the dispositional order, and the district attorney or corporation
14 counsel in the county in which the dispositional order was entered. A copy of the
15 request or proposal shall be attached to the notice. If all parties consent, the court
16 may proceed immediately with the hearing. No revision may extend the effective
17 period of the original order.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

18 (b) If a hearing is held, the court shall notify the child, the child's parent, guardian, and legal custodian, all parties bound by the dispositional order, the child's foster
19 parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in
20 which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian
21 ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order and
22 the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or

1 proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the
2 original order.

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 19-17)

3 **SECTION 28.** 48.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28
4 and (this act), is repealed and recreated to read:

5 **48.363 (1m)** If a hearing is held under sub. (1) (a), any party may present
6 evidence relevant to the issue of revision of the dispositional order. In addition, the
7 court shall give a foster parent or other physical custodian described in s. 48.62 (2)
8 of the child a right to be heard at the hearing by permitting the foster parent or other
9 physical custodian to make a written or oral statement during the hearing, or to
10 submit a written statement prior to the hearing, relevant to the issue of revision. A
11 foster parent or other physical custodian described in s. 48.62 (2) who receives notice
12 of a hearing under sub. (1) (a) and a right to be heard under this subsection does not
13 become a party to the proceeding on which the hearing is held solely on the basis of
14 receiving that notice and right to be heard.

NOTE: NOTE: Sub. (1m) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

15 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall
16 give a foster parent or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent or other
17 physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A
18 foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection
19 does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109; 2007 a. 20; 2009 a. 28.

20 **SECTION 29.** 48.365 (2g) (b) 3. of the statutes is amended to read:

21 **48.365 (2g) (b) 3.** If the child has been placed outside of his or her home for 15
22 of the most recent 22 months, not including any period during which the child's care
23 was not eligible for reimbursement under 42 USC 670 to 679b, any period during
24 which the child was a runaway from the out-of-home placement, or the first 6
25 months of any period during which the child was returned to his or her home for a
26 trial home visit, a statement of whether or not a recommendation has been made to

1 terminate the parental rights of the parents of the child. If a recommendation for a
2 termination of parental rights has been made, the statement shall indicate the date
3 on which the recommendation was made, any previous progress made to accomplish
4 the termination of parental rights, any barriers to the termination of parental rights,
5 specific steps to overcome the barriers and when the steps will be completed, reasons
6 why adoption would be in the best interest of the child, and whether or not the child
7 should be registered with the adoption information exchange. If a recommendation
8 for termination of parental rights has not been made, the statement shall include an
9 explanation of the reasons why a recommendation for termination of parental rights
10 has not been made. If the lack of appropriate adoptive resources is the primary
11 reason for not recommending a termination of parental rights, the agency shall
12 recommend that the child be registered with the adoption information exchange or
13 report the reason why registering the child is contrary to the best interest of the child.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28.

14 **SECTION 30. 48.365 (2m) (a) 1m.** of the statutes is created to read:

15 48.365 (2m) (a) 1m. a. If the child is placed outside of his or her home and if the
16 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been
17 placed outside the home, the person or agency primarily responsible for providing
18 services to the child shall present as evidence specific information showing that the
19 agency has made reasonable efforts to place the child in a placement that enables the
20 sibling group to remain together, unless the court has determined that a joint
21 placement would be contrary to the safety or well-being of the child or any of those
22 siblings, in which case the agency shall present as evidence specific information
23 showing that agency has made reasonable efforts to provide for frequent visitation
24 or other ongoing interaction between the child and the siblings, unless the court has

① determined that such visitation or interaction would be contrary to the safety or well
2 being of the child or any of those siblings.

3 b. If the child is placed outside the home and if the child has one or more
4 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,
5 the findings of fact shall include a finding as to whether reasonable efforts have been
6 made by the agency primarily responsible for providing services to the child to place
7 the child in a placement that enables the sibling group to remain together, unless the
8 court has determined that a joint placement would be contrary to the safety or well

9 being of the child or any of those siblings, in which case the findings of fact shall
10 include a finding as to whether reasonable efforts have been made by the agency to
11 provide for frequent visitation or other ongoing interaction between the child and the
12 siblings, unless the court has determined that such visitation or interaction would
13 be contrary to the safety or well being of the child or any of those siblings.

14 **SECTION 31.** 48.365 (2m) (a) 3. of the statutes is amended to read:

15 48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.
16 relating to reasonable efforts to achieve the goal of the child's permanency plan and
17 the findings specified in subd. 2. on a case-by-case basis based on circumstances
18 specific to the child and shall document or reference the specific information on
19 which those findings are based in the order issued under s. 48.355. An order that
20 merely references subd. 1. or 2. without documenting or referencing that specific
21 information in the order or an amended order that retroactively corrects an earlier

1 ~~order that does not comply with this subdivision~~ is not sufficient to comply with this
2 subdivision.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 20-24)

3 **SECTION 32.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
6 described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard
7 at the hearing by permitting the foster parent or other physical custodian to make
8 a written or oral statement during the hearing, or to submit a written statement
9 prior to the hearing, relevant to the issue of extension. A foster parent or other
10 physical custodian described in s. 48.62 (2) who receives notice of a hearing under
11 sub. (2) and a right to be heard under this paragraph does not become a party to the
12 proceeding on which the hearing is held solely on the basis of receiving that notice
13 and right to be heard.

NOTE: NOTE: Par. (ag) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

14 (ag) The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity
15 to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written
16 statement prior to the hearing, relevant to the issue of extension. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
17 under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on
18 the basis of receiving that notice and opportunity to be heard.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 21-12)

19 **SECTION 33.** 48.38 (4) (br) of the statutes is renumbered 48.38 (4) (br) 1. and
20 amended to read:

21 48.38 (4) (br) 1. A statement as to the availability of a safe and appropriate
22 placement with a foster parent, adoptive parent, or proposed adoptive parent of a

1 ~~sibling of the child and, if a decision is made not to place the child with an available~~
2 ~~foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement~~
3 ~~as to why placement with the foster parent, adoptive parent, or proposed adoptive~~
4 ~~parent of a sibling is not safe or appropriate.~~ In this paragraph, "sibling" means a
5 person who is a brother or sister of the child, whether by blood, marriage, or adoption,
6 including a person who was a brother or sister of a child before the person was
7 adopted or parental rights to the person were terminated.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

8 **SECTION 34.** 48.38 (4) (br) 2. of the statutes is created to read: ^

9 48.38 (4) (br) 2. If the child has one or more siblings who have also been
10 removed from the home, a description of the efforts made to place the child in a
11 placement that enables the sibling group to remain together and, if a decision is made
12 not to place the child and his or her siblings in a joint placement, a statement as to
13 why a joint placement would be contrary to the safety or well-being of the child or
14 any of those siblings and a description of the efforts made to provide for frequent
15 visitation or other ongoing interaction between the child and those siblings. If a
16 decision is made not to provide for that visitation or interaction, the permanency plan
17 shall include a statement as to why that visitation or interaction would be contrary
18 to the safety or well-being of the child or any of those siblings.

(END OF INSERT)

(INSERT 24-9)

19 **SECTION 35.** 48.38 (4m) (b) and (d) of the statutes, as created by 2009 Wisconsin
20 Act (this act), are amended to read:

21 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall
22 notify the child; the child's parent, guardian, and legal custodian; and the child's

① foster parent, ~~treatment foster parent~~ the operator of the facility in which the child
2 is living, or the relative with whom the child is living of the time, place, and purpose
3 of the hearing, of the issues to be determined at the hearing, and of the fact that they
4 shall have a right to be heard at the hearing.

(d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
6 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
7 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
8 relative to make a written or oral statement during the hearing, or to submit a
9 written statement prior to the hearing, relevant to the issues to be determined at the
10 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative
11 does not become a party to the proceeding on which the hearing is held solely on the
12 basis of receiving that notice and right to be heard.

(END OF INSERT)

(INSERT 25-2)

13 **SECTION 36.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts 28
14 and (this act), is repealed and recreated to read:

15 48.38 (5) (b) The court or the agency shall notify the child; the child's parent,
16 guardian, and legal custodian; and the child's foster parent, the operator of the
17 facility in which the child is living, or the relative with whom the child is living of the
18 time, place, and purpose of the review, of the issues to be determined as part of the
19 review, and of the fact that they shall have ^athe right to be heard at the review as
20 provided in par. (bm) 1. The court or agency shall notify the person representing the
21 interests of the public, the child's counsel, the child's guardian ad litem, and the
22 child's court-appointed special advocate of the time, place, and purpose of the review,

1 of the issues to be determined as part of the review, and of the fact that they may have
2 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under
3 this paragraph shall be provided in writing not less than 30 days before the review
4 and copies of the notices shall be filed in the child's case record.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 ~~eff. the date stated in the notice provided by the secretary of children and families and published in the~~
Wisconsin Administrative Register under s. 48.62 (9) to read: NOTE:

(b) The court or the agency shall notify the parents of the child, the child, if he or she is 12 years of age or older, and the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 26-9)

12 SECTION 37. 48.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act
13 (this act), is amended to read:

14 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
15 ~~treatment foster parent~~ ^{strike comma} operator of a facility, or relative who is provided notice of the
16 review under par. (b) shall have a right to be heard at the review by submitting
17 written comments relevant to the determinations specified in par. (c) not less than
18 10 working days before the date of the review or by participating at the review. A
19 person representing the interests of the public, counsel, guardian ad litem, or
20 court-appointed special advocate who is provided notice of the review under par. (b)
21 may have an opportunity to be heard at the review by submitting written comments
22 relevant to the determinations specified in par. (c) not less than 10 working days
23 before the date of the review. A foster parent, ~~treatment foster parent~~, operator of
24 a facility, or relative who receives notice of a hearing under par. (b) and a right to be
25 heard under this subdivision does not become a party to the proceeding on which the
26 review is held solely on the basis of receiving that notice and right to be heard.

1 **SECTION 38.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

2 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
3 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any
4 period during which the child's care was not eligible for reimbursement under 42
5 USC 670 to 679b, any period during which the child was a runaway from the
6 out-of-home placement, or the first 6 months of any period during which the child
7 was returned to his or her home for a trial home visit, the appropriateness of the
8 permanency plan and the circumstances which prevent the child from any of the
9 following:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 26-23)

^

10 **SECTION 39.** 48.38 (5) (c) 8. of the statutes is created to read:

11 48.38 (5) (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4) ✓
12 (br) 1., who have also been removed from the home, whether reasonable efforts were
13 made by the agency to place the child in a placement that enables the sibling group
14 to remain together, unless the court or panel determines that a joint placement would
15 be contrary to the safety or well-being of the child or any of those siblings, in which
16 case the court or panel shall determine whether reasonable efforts were made by the
17 agency to provide for frequent visitation or other ongoing interaction between the
18 child and those siblings, unless the court or panel determines that such visitation or

1 interaction would be contrary to the safety or well-being of the child or any of those
2 siblings.

(END OF INSERT)

(INSERT 27-20)

3 **SECTION 40.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts 28
4 and (this act), is repealed and recreated to read:

5 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
6 the determinations under par. (c) and shall provide a copy to the court that entered
7 the order, the child or the child's counsel or guardian ad litem, the person
8 representing the interests of the public, the child's parent, guardian, ^{e and} ~~or~~ legal
9 custodian, the child's court-appointed special advocate, and the child's foster parent,
10 the operator of the facility where the child is living, or the relative with whom the
11 child is living.

NOTE: NOTE: Par. (e) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

12 (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order,
13 the child or the child's counsel or guardian ad litem, the person representing the interests of the public, the child's parent or guardian, the child's court-appointed special
14 advocate and the child's foster parent or the operator of the facility where the child is living.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 28-8)

15 **SECTION 41.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
16 28 and (this act), is repealed and recreated to read:

17 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
18 shall notify the child; the child's parent, guardian, and legal custodian; and the
19 child's foster parent, the operator of the facility in which the child is living, or the
20 relative with whom the child is living of the time, place, and purpose of the hearing,

1 of the issues to be determined at the hearing, and of the fact that they shall have a
2 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
3 counsel, the child's guardian ad litem, and the child's court-appointed special
4 advocate; the agency that prepared the permanency plan; and the person
5 representing the interests of the public of the time, place, and purpose of the hearing,
6 of the issues to be determined at the hearing, and of the fact that they may have an
7 opportunity to be heard at the hearing as provided in par. (c) 1. *je*

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9426 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

28 and

(INSERT 29-2)

12 / **SECTION 42.** 48.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin Act 28
13 (this act), is repealed and recreated to read:

14 48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent,
15 operator of a facility, or relative who is provided notice of the hearing under par. (b)
16 shall have a right to be heard at the hearing by submitting written comments
17 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
18 before the date of the hearing or by participating at the hearing. A counsel, guardian
19 ad litem, court-appointed special advocate, agency, or person representing the
20 interests of the public who is provided notice of the hearing under par. (b) may have
21 an opportunity to be heard at the hearing by submitting written comments relevant
22 to the determinations specified in sub. (5) (c) not less than 10 working days before
23 the date of the hearing or by participating at the hearing. A foster parent, operator
24 of a facility, or relative who receives notice of a hearing under par. (b) and a right to

be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(END OF INSERT)

(INSERT 30-23)

SECTION 43. 48.38 (5m) (e) of the statutes is amended to read:

48.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

NOTE: NOTE: Par. (e) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28.

1 **SECTION 44.** 48.38 (5m) (e) of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
4 and conclusions of law relating to the determinations under sub. (5) (c) and shall
5 provide a copy of those findings of fact and conclusions of law to the child; the child's
6 parent, guardian, and legal custodian; the child's foster parent, the operator of the
7 facility in which the child is living, or the relative with whom the child is living; the
8 child's court-appointed special advocate; the agency that prepared the permanency
9 plan; and the person representing the interests of the public. The court shall make
10 the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances
11 specific to the child and shall document or reference the specific information on
12 which those findings are based in the findings of fact and conclusions of law prepared
13 under this paragraph. Findings of fact and conclusions of law that merely reference
14 sub. (5) (c) 7. without documenting or referencing that specific information in the
15 findings of fact and conclusions of law are not sufficient to comply with this
16 paragraph.

17 **SECTION 45.** 48.417 (1) (a) of the statutes is amended to read:

18 48.417 (1) (a) The child has been placed outside of his or her home, as described
19 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any
20 period during which the child's care was not eligible for reimbursement under 42
21 USC 670 to 679b, any period during which the child was a runaway from the
22 out-of-home placement, or the first 6 months of any period during which the child
23 was returned to his or her home for a trial home visit. If the circumstances specified
24 in this paragraph apply, the petition shall be filed or joined in by the last day of the

1 15th month, as described in this paragraph, for which the child was placed outside
2 of his or her home.

History: 1997 a. 237; 2001 a. 109; 2005 a. 277; 2007 a. 20, 116.

(END OF INSERT)

(INSERT 31-10)

3 **SECTION 46.** 48.42 (2g) (am) of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 48.42 (2g) (am) The court shall give a foster parent or other physical custodian
6 described in s. 48.62 (2) who is notified of a hearing under par. (a) a right to be heard
7 at the hearing by permitting the foster parent or other physical custodian to make
8 a written or oral statement during the hearing, or to submit a written statement
9 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
10 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
11 a hearing under par. (a) and a right to be heard under this paragraph does not become
12 a party to the proceeding on which the hearing is held solely on the basis of receiving
13 that notice and right to be heard.

NOTE: NOTE: Par. (am) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

14 (am) The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (a) an opportunity to be heard
15 at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior
16 to the hearing, relevant to the issues to be determined at the hearing. A foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a
17 hearing under par. (a) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis
18 of receiving that notice and opportunity to be heard.

History: 1973 c. 263; 1977 c. 334; 1979 c. 230; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28.

(END OF INSERT)

(INSERT 31-22)

19 **SECTION 47.** 48.427 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28
20 and (this act), is repealed and recreated to read:

21 48.427 (1m) In addition to any evidence presented under sub. (1), the court
22 shall give the foster parent or other physical custodian described in s. 48.62 (2) of the

1 child a right to be heard at the dispositional hearing by permitting the foster parent
2 or other physical custodian to make a written or oral statement during the
3 dispositional hearing, or to submit a written statement prior to disposition, relevant
4 to the issue of disposition. A foster parent or other physical custodian described in
5 s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and a right to be
6 heard under this subsection does not become a party to the proceeding on which the
7 hearing is held solely on the basis of receiving that notice and right to be heard.

NOTE: NOTE: Sub. (1m) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(1m) In addition to any evidence presented under sub. (1), the court shall give the foster parent or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the dispositional hearing, or to submit a written statement prior to disposition, relevant to the issue of disposition. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

History: 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237; 2005 a. 25, 232; 2009 a. 28.

SECTION 48. 48.43 (1) (cm) of the statutes is amended to read:

14 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
15 a finding as to whether the agency primarily responsible for providing services to the
16 child has made reasonable efforts to achieve the goal of the child's permanency plan.
17 The court shall make the findings specified in this paragraph on a case-by-case basis
18 based on circumstances specific to the child and shall document or reference the
19 specific information on which those findings are based in the order. An order that
20 merely references this paragraph without documenting or referencing that specific
21 information in the order or an amended order that retroactively corrects an earlier
22 order that does not comply with this paragraph is not sufficient to comply with this
23 paragraph.

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199; 2009 a. 28.

(END OF INSERT)

(INSERT 32-8)

✓
1 **SECTION 49.** 48.43 (5) (b) 1. of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
4 within 30 days after receiving a report under par. (a). At least 10 days before the date
5 of the hearing, the court shall provide notice of the time, place⁵ and purpose of the
6 hearing to the agency that prepared the report, the child's guardian, the child, and
7 the child's foster parent, the operator of the facility in which the child is living, or the
8 relative with whom the child is living.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

9 (b) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing,
10 the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, if he or she is 12 years
11 of age or over, and the child's foster parent, other physical custodian described in s. 48.62 (2), or the operator of the facility in which the child is living.

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199; 2009 a. 28

(END OF INSERT)

(INSERT 33-10)

✓
12 **SECTION 50.** 48.43 (5) (b) 3. of the statutes, as created by 2009 Wisconsin Act
13 (this act), is amended to read:

14 48.43 (5) (b) 3. The court shall give a foster parent, ~~treatment foster parent,~~
15 operator of a facility, or relative who is notified of a hearing under subd. 1. a right to
16 be heard at the hearing by permitting the foster parent, ~~treatment foster parent,~~
17 operator, or relative to make a written or oral statement during the hearing, or to
18 submit a written statement prior to the hearing, relevant to the issues to be
19 determined at the hearing. The foster parent, ~~treatment foster parent,~~ operator of

1 a facility, or relative does not become a party to the proceeding on which the hearing
2 is held solely on the basis of receiving that notice and right to be heard.

(END OF INSERT)

(INSERT 33-16)

3 **SECTION 51.** 48.43 (5m) of the statutes, as affected by 2009 Wisconsin Acts 28
4 and (this act), is repealed and recreated to read:

5 48.43 (5m) Either the court or the agency that prepared the permanency plan
6 shall furnish a copy of the original plan and each revised plan to the child, if he or
7 she is 12 years of age or over, and to the child's foster parent, the operator of the
8 facility in which the child is living, or the relative with whom the child is living.

NOTE: NOTE: Sub. (5m) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

9 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is
10 12 years of age or over, and to the child's foster parent or the operator of the facility in which the child is living.

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199; 2009 a. 28.

(END OF INSERT)

(INSERT 34-2) A

11 **SECTION 52.** 48.648 of the statutes is created to read:


12 **48.648 Plan for transition to independent living.** By no later than 90 days
13 before a child who is placed in a foster home, treatment foster home, group home,
14 subsidized guardianship home under s. 48.62 (5), group home, or residential care
15 center for children and youth or in the home of a relative other than a parent attains
16 18 years of age or, if the child is placed in such a placement under an order under s.
17 48.355, 48.357, 48.365, 938.355, 935.357, or 938.365 that terminates under s. 48.355
18 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days
19 before the termination of the order, the agency primarily responsible for providing
20 services to the child under the order shall provide the child with assistance and

1 support in developing a plan for making the transition from out-of-home care to
2 independent living. The transition plan shall be personalized at the direction of the
3 child, shall be as detailed as the child direct^S, and shall include specific options for
4 obtaining housing, health care, education, mentoring and continuing support
5 services, and workforce support and employment services.

6 **SECTION 53.** 48.648 of the statutes, as created by 2009 Wisconsin Act (this
7 act), is amended to read:

8 **48.648 Plan for transition to independent living.** By no later than 90 days
9 before a child who is placed in a foster home, ~~treatment foster home~~, group home,
10 subsidized guardianship home under s. 48.62 (5), group home, or residential care
11 center for children and youth or in the home of a relative other than a parent attains
12 18 years of age or, if the child is placed in such a placement under an order under s.
13 48.355, 48.357, 48.365, 938.355, 935.357, or 938.365 that terminates under s. 48.355
14 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days
15 before the termination of the order, the agency primarily responsible for providing
16 services to the child under the order shall provide the child with assistance and
17 support in developing a plan for making the transition from out-of-home care to
18 independent living. The transition plan shall be personalized at the direction of the
19 child, shall be as detailed as the child direct^S, and shall include specific options for
20 obtaining housing, health care, education, mentoring and continuing support
21 services, and workforce support and employment services.

(END OF INSERT)

(INSERT 34-2) 

^

22 **SECTION 54.** 48.78 (2) (i) of the statutes is created to read:

1 48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
2 information to a relative of a child placed outside of his or her home only to the extent
3 necessary to facilitate the establishment of a relationship between the child and the
4 relative or a placement of the child with the relative or from disclosing information
5 under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this paragraph, "relative"
6 includes a relative whose relationship is derived through a parent of the child whose
7 parental rights are terminated.

8 **SECTION 55.** 48.78 (2) (j) of the statutes is created to read:

9 48.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing
10 information to any public or private agency in this state or any other state that is
11 investigating a person for purposes of licensing the person to operate a foster home
12 or placing a child for adoption in the home of the person.

13 **SECTION 56.** 48.834 (2) of the statutes is amended to read:

14 48.834 (2) PLACEMENT WITH SIBLINGS. ~~Before placing~~ If a child who is being
15 placed for adoption under s. 48.833 a child who has a sibling who has has one or more
16 siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted or has who have been
17 placed for adoption, the department, county department under s. 48.57 (1) (e) or
18 (hm), or child welfare agency making the placement shall consider the availability
19 of a placement make reasonable efforts to place the child for adoption with an
20 adoptive parent or proposed adoptive parent of such a sibling, as defined in s. 48.38
21 (4) (br), of the child who is identified in the child's permanency plan under s. 48.38
22 or 938.38 or who is otherwise known by the department, county department, or child
23 welfare agency, unless the department, county department, or child welfare agency
24 determines that a joint placement would be contrary to the safety or well-being of the
25 child or any of those siblings, in which case the department, county department, or

1 child welfare agency shall make reasonable efforts to provide for frequent visitation
2 or other ongoing interaction between the child and the siblings, unless the
3 department, county department, or child welfare agency determines that such
4 visitation or interaction would be contrary to the safety or well-being of the child or
5 any of those siblings.

History: 2005 a. 448.

6 **SECTION 57.** 48.977 (2) (f) of the statutes is amended to read:

7 48.977 (2) (f) That the agency primarily responsible for providing services to
8 the child under a court order has made reasonable efforts to make it possible for the
9 child to return to his or her home, while assuring that the child's health and safety
10 are the paramount concerns, but that reunification of the child with the child's
11 parent or parents is unlikely or contrary to the best interests of the child and that
12 further reunification efforts are unlikely to be made or are contrary to the best
13 interests of the child or that the agency primarily responsible for providing services
14 to the child under a court order has made reasonable efforts to prevent the removal
15 of the child from his or her home, while assuring the child's health and safety, but that
16 continued placement of the child in the home would be contrary to the welfare of the
17 child, except that the court is not required to find that the agency has made those
18 reasonable efforts with respect to a parent of the child if any of the circumstances
19 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
20 findings specified in this paragraph on a case-by-case basis based on circumstances
21 specific to the child and shall document or reference the specific information on
22 which those findings are based in the guardianship order. A guardianship order that
23 merely references this paragraph without documenting or referencing that specific
24 information in the order ~~or an amended guardianship order that retroactively~~

1 ~~corrects an earlier guardianship order that does not comply with this paragraph is~~
2 ~~not sufficient to comply with this paragraph.~~

History: 1995 a. 275; 1997 a. 27, 35, 80, 237; 1999 a. 133; 2001 a. 2, 109; 2005 a. 25, 130, 387; 2007 a. 77.

3 **SECTION 58.** 48.981 (7) (a) 4m. of the statutes is created to read:

4 48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only
5 to the extent necessary to facilitate the establishment of a relationship between the
6 child and the relative or a placement of the child with the relative or to a person
7 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In
8 this subdivision, "relative" includes a relative whose relationship is derived through
9 a parent of the child whose parental rights are terminated.

10 **SECTION 59.** 48.981 (7) (a) 4p. of the statutes is created to read:

11 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
12 is investigating a person for purposes of licensing the person to operate a foster home
13 or placing a child for adoption in the home of the person.

(END OF INSERT)

(INSERT 36-8)

14 **SECTION 60.** 767.41 (3) (am) of the statutes is amended to read:

15 767.41 (3) (am) If the court transfers legal custody of a child under this
16 subsection, the order transferring custody shall include a finding that placement of
17 the child in his or her home would be contrary to the welfare of the child and a finding
18 that reasonable efforts have been made to prevent the removal of the child from the
19 home, while assuring that the health and safety of the child are the paramount
20 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
21 applies. If the legal custodian appointed under par. (a) is a county department, the
22 court shall order the child into the placement and care responsibility of the county

1 department as required under 42 USC 672 (a) (2) and shall assign the county
2 department primary responsibility for providing services to the child. The court
3 shall make the findings specified in this paragraph on a case-by-case basis based
4 on circumstances specific to the child and shall document or reference the specific
5 information on which those findings are based in the court order. A court order that
6 merely references this paragraph without documenting or referencing that specific
7 information in the court order ~~or an amended court order that retroactively corrects~~
8 ~~an earlier court order that does not comply with this paragraph~~ is not sufficient to
9 comply with this paragraph.

History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375; 1997 a. 35, 191; 1999 a. 9; 2001 a. 109; 2003 a. 130; 2005 a. 101, 174, 264; 2005 a. 443 ss. 29, 94 to 98; Stats. 2005 s. 767.41; 2005 a. 471 ss. 1 to 5; 2007 a. 20; 2007 a. 96 ss. 141, 142; 2007 a. 97, 187; 2009 a. 28.

(END OF INSERT)

(INSERT 37-2)

10 **SECTION 61.** 767.41 (3) (c) of the statutes, as affected by 2009 Wisconsin Acts
11 28 and (this act), is repealed and recreated to read:

12 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
13 within 30 days after receiving a report under par. (b). At least 10 days before the date
14 of the hearing, the court shall provide notice of the time, place, and purpose of the
15 hearing to the agency that prepared the report; the child; the child's parents,
16 guardian, and legal custodian; and the child's foster parent, the operator of the
17 facility in which the child is living, or the relative with whom the child is living.

NOTE: NOTE: Par. (c) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read: **NOTE:**

18 (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing,
19 the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's parents, the child, if he or she is 12 years
20 of age or over, and the child's foster parent or the operator of the facility in which the child is living.

History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375; 1997 a. 35, 191; 1999 a. 9; 2001 a. 109; 2003 a. 130; 2005 a. 101, 174, 264; 2005 a. 443 ss. 29, 94 to 98; Stats. 2005 s. 767.41; 2005 a. 471 ss. 1 to 5; 2007 a. 20; 2007 a. 96 ss. 141, 142; 2007 a. 97, 187; 2009 a. 28.

21 **SECTION 62.** 938.21 (2) (e) of the statutes is created to read:

1 938.21 (2) (e) If present at the hearing, the parent shall be requested to provide
2 the names and other identifying information of 3 relatives of the juvenile or other
3 individuals 18 years of age or over whose homes the parent requests the court to
4 consider as placements for the juvenile. If the parent does not provide that
5 information at the hearing, the county department or agency primarily responsible
6 for providing services to the juvenile under the custody order shall permit the parent
7 to provide that information at a later date.

8 [^]
SECTION 63. 938.21 (3) (f) of the statutes is created to read:

9 938.21 (3) (f) If present at the hearing, the parent shall be requested to provide
10 the names and other identifying information of 3 relatives of the juvenile or other
11 individuals 18 years of age or over whose homes the parent requests the court to
12 consider as placements for the juvenile. If the parent does not provide that
13 information at the hearing, the county department or agency primarily responsible
14 for providing services to the juvenile under the custody order shall permit the parent
15 to provide that information at a later date.

16 [^]
SECTION 64. 938.21 (5) (b) 2m. of the statutes is created to read: ✓

17 ✓ 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
18 (4) (br) 1., who have also been removed from the home, a finding as to whether the
19 intake worker has made reasonable efforts to place the juvenile in a placement that
20 enables the sibling group to remain together, unless the court determines that a joint
21 placement would be contrary to the safety or well-being of the juvenile or any of those
22 siblings, in which case the court shall order the county department or agency
23 primarily responsible for providing services to the juvenile under the custody order
24 to make reasonable efforts to provide for frequent visitation or other ongoing
25 interaction between the juvenile and the siblings, unless the court determines that

1 such visitation or interaction would be contrary to the safety or well-being of the
2 juvenile or any of those siblings.

3 **SECTION 65.** 938.21 (5) (c) of the statutes is amended to read:

4 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and
5 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
6 document or reference the specific information on which those findings are based in
7 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.
8 without documenting or referencing that specific information in the custody order
9 ~~or an amended custody order that retroactively corrects an earlier custody order that~~
10 ~~does not comply with this paragraph~~ is not sufficient to comply with this paragraph.

History: 1995 a. 77, 275; 1997 a. 35, 237, 296; 2001 a. 16, 61, 109; 2005 a. 344; 2007 a. 20, 97; 2009 a. 28.

(END OF INSERT)

(INSERT 38-22)

Insert 38-2

11 **SECTION 66.** 938.21 (5) (e) of the statutes is created to read:

12 938.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,
13 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a
14 juvenile, whether by blood, marriage, or legal adoption, who has attained 18 years
15 of age.

16 2. The court shall order the county department or agency primarily responsible
17 for providing services to the juvenile under the custody order to conduct a diligent
18 search in order to locate and provide notice of the information specified in this
19 subdivision to all relatives of the juvenile named under sub. (2) (e) or (3) (f) and to
20 all adult relatives of the juvenile within 30 days after the juvenile is removed from
21 the custody of the juvenile's parent unless the juvenile is returned to his or her home
22 within that period. The court may also order the county department or agency to

1 conduct a diligent search in order to locate and provide notice of the information
2 specified in this subdivision to all other adult individuals named under sub. (2) (e)
3 or (3) (f) within 30 days after the juvenile is removed from the custody of the juvenile's
4 parent unless the juvenile is returned to his or her home within that period. The
5 county department or agency may not provide that notice to a person named under
6 sub. (2) (e) or (3) (f) or to an adult relative if the county department or agency has
7 reason to believe that it would be dangerous to the juvenile or to the parent if the
8 juvenile were placed with that person or adult relative. The notice shall include all
9 of the following:

10 a. A statement that the juvenile has been removed from the custody of the
11 juvenile's parent.

12 b. A statement that explains the options that the person provided with the
13 notice has under state or federal law to participate in the care and placement of the
14 juvenile, including any options that may be lost by failing to respond to the notice.

15 c. A description of the requirements to obtain a foster home license under s.
16 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
17 (3m) or (3n) and of the additional services and supports that are available for
18 juveniles placed in a foster home or in the home of a person receiving those payments.

19 d. A statement advising the person provided with the notice that he or she may
20 incur additional expenses if the juvenile is placed in his or her home and that
21 reimbursement for some of those expenses may be available.

22 e. The name and contact information of the agency that removed the juvenile
23 from the custody of the juvenile's parent.

end of Insert 38-2

24 **SECTION 67.** 938.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin
25 Acts 28 and (this act), is repealed and recreated to read:

*Insert
38-22*





1 938.27 (3) (a) 1m. The court shall give a foster parent or other physical
2 custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right
3 to be heard at the hearing by permitting the foster parent or other physical custodian
4 to make a written or oral statement during the hearing, or to submit a written
5 statement prior to the hearing, relevant to the issues to be determined at the hearing.
6 A foster parent or other physical custodian described in s. 48.62 (2) who receives a
7 notice of a hearing under subd. 1. and a right to be heard under this subdivision does
8 not become a party to the proceeding on which the hearing is held solely on the basis
9 of receiving that notice and right to be heard.

NOTE: NOTE: Subd. 1m. is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

1m. The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28.

(END OF INSERT)

(INSERT 40-7)



15 **SECTION 68.** 938.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28
16 and (this act), is repealed and recreated to read:

17 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
18 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
19 appropriate summons shall be issued in a manner specified by the court. If the
20 juvenile who is the subject of the proceeding is in the care of a foster parent or other
21 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
22 other physical custodian notice and a right to be heard as provided in sub. (3) (a).

NOTE: NOTE: Sub. (6) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the juvenile who is the subject of the proceeding is in the care of a foster parent or other physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28.

SECTION 69. 938.32 (1) (c) 1. c. of the statutes is amended to read:

1 938.32 (1) (c) 1. c. ~~A~~ If a permanency plan has previously been prepared for the
2 juvenile, a finding as to whether the county department or agency has made
3 reasonable efforts to achieve the goal of the juvenile's permanency plan, unless
4 return of the juvenile to the home is the goal of the permanency plan and the court
5 finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; 1999 a. 9, 32; 2001 a. 16, 61, 105, 109; 2003 a. 138; 2005 a. 344; 2007 a. 20; 2009 a. 28.

6 **SECTION 70.** 938.32 (1) (c) 1m. of the statutes is created to read:

7 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
8 (4) (br) 1., who have also been removed from the home, ^{the consent decree shall include} a finding as to whether the
9 county department or agency primarily responsible for providing services to the
10 juvenile has made reasonable efforts to place the juvenile in a placement that enables
11 the sibling group to remain together, unless the court determines that a joint
12 placement would be contrary to the safety or well-being of the juvenile or any of those
13 siblings, in which case the court shall order the county department or agency to make
14 reasonable efforts to provide for frequent visitation or other ongoing interaction
15 between the child and the siblings, unless the court determines that such visitation
16 or interaction would be contrary to the safety or well-being of the juvenile or any of
17 those siblings.

18 **SECTION 71.** 938.32 (1) (c) 3. of the statutes is amended to read:

19 938.32 (1) (c) 3. The court shall make the findings specified in subds. 1. and 2.
20 on a case-by-case basis based on circumstances specific to the juvenile and shall
21 document or reference the specific information on which those findings are based in
22 the consent decree. A consent decree that references subd. 1. or 2. without
23 documenting or referencing that specific information in the consent decree ~~or an~~
24 ~~amended consent decree that retroactively corrects an earlier consent decree that~~

*

1 ~~does not comply with this subdivision~~ is not sufficient to comply with this
2 subdivision.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; 1999 a. 9, 32; 2001 a. 16, 61, 105, 109; 2003 a. 138; 2005 a. 344; 2007 a. 20; 2009 a. 28.

3 **SECTION 72.** 938.33 (4) (c) of the statutes is amended to read:

4 938.33 (4) (c) Specific information showing that continued placement of the
5 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
6 information showing that the county department or the agency primarily
7 responsible for providing services to the juvenile has made reasonable efforts to
8 prevent the removal of the juvenile from the home, while assuring that the juvenile's
9 health and safety are the paramount concerns, unless any of the circumstances
10 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
11 previously been prepared for the juvenile, specific information showing that the
12 county department or agency has made reasonable efforts to achieve the goal of the
13 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
14 the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1.
15 to 4. applies.

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28.

16 **SECTION 73.** 938.33 (4) (d) of the statutes is created to read:

17 938.33 (4) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38
18 (4) (br) 1., who have been removed from the home or for whom an out-of-home
19 placement is recommended, specific information showing that the county
20 department or agency primarily responsible for providing services to the juvenile has
21 made reasonable efforts to place the juvenile in a placement that enables the sibling
22 group to remain together, unless the county department or agency recommends that
23 the juvenile and his or her siblings not be placed in a joint placement, in which case
24 the report shall include specific information showing that a joint placement would

① be contrary to the safety or well-being of the juvenile or any of those siblings and the
2 specific information required under subd. 2.

3 2. If a recommendation is made that the juvenile and his or her siblings not be
4 placed in a joint placement, specific information showing that the county department
5 or agency has made reasonable efforts to provide for frequent visitation or other
6 ongoing interaction between the juvenile and the siblings, unless the county
7 department or agency recommends that such visitation or interaction not be
8 provided, in which case the report shall include specific information showing that
⑨ such visitation or interaction would be contrary to the safety or well-being of the
10 juvenile or any of those siblings.

11 **SECTION 74.** 938.335 (3g) (c) of the statutes is amended to read:

12 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
13 the juvenile, the county department or agency has made reasonable efforts to achieve
14 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
15 is the goal of the permanency plan and any of the circumstances specified in s.
16 938.355 (2d) (b) 1. to 4. applies.

History: 1995 a. 77; 1997 a. 181, 252; 2001 a. 109; 2005 a. 344; 2009 a. 28

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28.

17 **SECTION 75.** 938.335 (3g) (d) of the statutes is created to read:

18 938.335 (3g) (d) 1. If the juvenile has one or more siblings, as defined in s.
19 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home
②0 placement is recommended, ~~specific information showing~~ that the county
21 department or agency has made reasonable efforts to place the juvenile in a
22 placement that enables the sibling group to remain together, unless the county
23 department or agency recommends that the juvenile and his or her siblings not be
24 placed in a joint placement, in which case the county department or agency shall

1 present as evidence specific information showing that a joint placement would be
2 contrary to the safety or well being of the juvenile or any of those siblings and the
3 specific information required under subd. 2. *Specific information showing*

4 2. If a recommendation is made that the juvenile and his or her siblings not be
5 placed in a joint placement, that the county department or agency has made
6 reasonable efforts to provide for frequent visitation or other ongoing interaction
7 between the juvenile and the siblings, unless the county department or agency
8 recommends that such visitation or interaction not be provided, in which case the
9 county department or agency shall present as evidence specific information showing
10 that such visitation or interaction would be contrary to the safety or well being of the
11 juvenile or any of those siblings. *(3) JUVENILE PLACED OUTSIDE THE HOME*

12 SECTION 76. 938.335 (6) of the statutes is created to read: *provide*

13 938.335 (6) If the dispositional order places the juvenile outside the home, the
14 parent, if present at the hearing, shall be requested to provide the names and other
15 identifying information of 3 relatives of the juvenile or other individuals 18 years of
16 age or over whose homes the parent requests the court to consider as placements for
17 the juvenile, unless that information has previously been requested under s. 938.21
18 (2) (e) or (3) (f). If the parent does not provide that information at the hearing, the
19 county department or the agency primarily responsible for providing services to the
20 juvenile under the dispositional order shall permit the parent to provide the
21 information at a later date.

22 SECTION 77. 938.355 (2) (b) 6. of the statutes is amended to read:

23 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
24 continued placement of the juvenile in his or her home would be contrary to the
25 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is

1 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
2 the juvenile's current residence will not safeguard the welfare of the juvenile or the
3 community due to the serious nature of the act for which the juvenile was adjudicated
4 delinquent. The court order shall also contain a finding as to whether the county
5 department or the agency primarily responsible for providing services under a court
6 order has made reasonable efforts to prevent the removal of the juvenile from the
7 home, while assuring that the juvenile's health and safety are the paramount
8 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
9 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,
10 a finding as to whether the county department or agency has made reasonable efforts
11 to achieve the goal of the juvenile's permanency plan, unless return of the juvenile
12 to the home is the goal of the permanency plan and the court finds that any of the
13 circumstances under sub. (2d) (b) 1. to 4. applies. The court shall make the findings
14 specified in this subdivision on a case-by-case basis based on circumstances specific
15 to the juvenile and shall document or reference the specific information on which
16 those findings are based in the court order. A court order that merely references this
17 subdivision without documenting or referencing that specific information in the
18 court order ~~or an amended court order that retroactively corrects an earlier court~~
19 ~~order that does not comply with this subdivision~~ is not sufficient to comply with this
20 subdivision.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28; s. 13.92 (2) (i).

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28.

21 **SECTION 78. 938.355 (2) (b) 6p. of the statutes is created to read:**

22 938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile
23 has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed

1 outside the home, a finding as to whether the county department or the agency
2 primarily responsible for providing services under a court order has made reasonable
3 efforts to place the juvenile in a placement that enables the sibling group to remain
4 together, unless the court determines that a joint placement would be contrary to the
5 safety or well-being of the juvenile or any of those siblings, in which case the court
6 shall order the county department or agency to make reasonable efforts to provide
7 for frequent visitation or other ongoing interaction between the juvenile and the
8 siblings, unless the court determines that such visitation or interaction would be
9 contrary to the safety or well-being of the juvenile or any of those siblings.

10 **SECTION 79.** 938.355 (2) (cm) of the statutes is created to read:

11 938.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
12 department or the agency primarily responsible for providing services to the juvenile
13 under the dispositional order to conduct a diligent search in order to locate and
14 provide notice of the information specified in this subdivision to all relatives of the
15 juvenile named under s. 938.335 (6) and to all adult relatives, as defined in s. 938.21
16 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody
17 of the juvenile's parent unless the juvenile is returned to his or her home within that
18 period. The court may also order the county department or agency to conduct a
19 diligent search in order to locate and provide notice of ^{that} the information specified in
20 ~~this subdivision~~ to all other adult individuals named under s. 938.335 (6) within 30
21 days after the juvenile is removed from the custody of the juvenile's parent unless
22 the juvenile is returned to his or her home within that period. The county
23 department or agency may not provide that notice to a person named under s.
24 938.335 (6) or to an adult relative if the county department or agency has reason to
25 believe that it would be dangerous to the juvenile or to the parent if the juvenile were

938.21 5 e
938.21 (5) (e)
2. a. 1. e.
2. a. 1. e.

provided

1 placed with that person or adult relative. ~~The notice shall include all of the~~
2 ~~information specified in s. 938.21 (5) (e) 2. a to e.~~ ✓ s. 938.21

3 2. Subdivision 1. does not apply if the search required under ~~s. 938.355 (6)~~ was
4 previously conducted ~~under s. 938.21 (2) (e) or (3) (4)~~ and the notice required under
5 subd. 1. was previously conducted under s. 938.21 (5) (e) 2. ✓

(END OF INSERT)

(INSERT 40-23)

6 **SECTION 80.** 938.355 (2d) (bm) of the statutes is amended to read:

7 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
8 on a case-by-case basis based on circumstances specific to the juvenile and shall
9 document or reference the specific information on which that finding is based in the
10 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
11 without documenting or referencing that specific information in the dispositional
12 order ~~or an amended dispositional order that retroactively corrects an earlier~~
13 ~~dispositional order that does not comply with this paragraph~~ is not sufficient to
14 comply with this paragraph.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28; s. 13.92 (2) (i).

(END OF INSERT)

(INSERT 44-17)

15 **SECTION 81.** 938.355 (6) (cm) of the statutes is amended to read:

16 938.355 (6) (cm) *Reasonable efforts finding.* The court may not order the
17 sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless
18 the court finds that the agency primarily responsible for providing services for the
19 juvenile has made reasonable efforts to prevent the removal of the juvenile from his

1 or her home and that continued placement of the juvenile in his or her home is
2 contrary to the welfare of the juvenile. These findings are not required if they were
3 made in the dispositional order under which the juvenile is being sanctioned. The
4 court shall make the findings under this paragraph on a case-by-case basis based
5 on circumstances specific to the juvenile and shall document or reference the specific
6 information on which that finding is based in the sanction order. A sanction order
7 that merely references this paragraph without documenting or referencing that
8 specific information in the sanction order ~~or an amended sanction order that~~
9 ~~retroactively corrects an earlier sanction order that does not comply with this~~
10 ~~paragraph~~ is not sufficient to comply with this paragraph.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28; s. 13.92 (2)

(i).

11 **SECTION 82. 938.355 (6m) (cm)** of the statutes is amended to read:

12 **938.355 (6m) (cm)** *Reasonable efforts finding.* The court may not order the
13 sanction of placement in a place of nonsecure custody under par. (a) 1g. unless the
14 court finds that the agency primarily responsible for providing services for the
15 juvenile has made reasonable efforts to prevent the removal of the juvenile from his
16 or her home and that continued placement of the juvenile in his or her home is
17 contrary to the welfare of the juvenile. The court shall make the findings under this
18 paragraph on a case-by-case basis based on circumstances specific to the juvenile
19 and shall document or reference the specific information on which that finding is
20 based in the sanction order. A sanction order that merely references this paragraph
21 without documenting or referencing that specific information in the sanction order
22 ~~or an amended sanction order that retroactively corrects an earlier sanction order~~

1 ~~that does not comply with this paragraph~~ is not sufficient to comply with this
2 paragraph. *this subdivision, sub. (2m) (bm), or*

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28; s. 13.92 (2)

(i).

3 **SECTION 83.** 938.357 (1) (c) 2m. of the statutes is created to read:

4 938.357 (1) (c) 2m. If the court changes the juvenile's placement from a
5 placement in the juvenile's home to a placement outside the juvenile's home, the
6 parent, if present at the hearing, shall be requested to provide the names and other
7 identifying information of 3 relatives of the juvenile or other individuals 18 years of
8 age or over whose homes the parent requests the court to consider as placements for
9 the juvenile, unless that information has previously been ~~requested~~ *provided* under s. 938.21
10 (2) (e) or (3) (f) or 938.335 (6). If the parent does not provide that information at the
11 hearing, the county department or the agency primarily responsible for
12 implementing the dispositional order shall permit the parent to provide the
13 information at a later date. *② Juvenile placed outside the home.*

14 **SECTION 84.** 938.357 (2m) (bm) of the statutes is created to read:

15 938.357 (2m) (bm). If the court changes the juvenile's placement from a
16 placement in the juvenile's home to a placement outside the juvenile's home, the
17 parent, if present at the hearing, shall be requested to provide the names and other
18 identifying information of 3 relatives of the juvenile or other individuals 18 years of
19 age or over whose homes the parent requests the court to consider as placements for
20 the juvenile, unless that information has previously been ~~requested~~ *provided* under s. 938.21
21 (2) (e) or (3) (f) or 938.335 (6). If the parent does not provide that information at the
22 hearing, the county department or the agency primarily responsible for

*this paragraph, sub. (1) (c)
2m., or*

1 implementing the dispositional order shall permit the parent to provide the
2 information at a later date.

(END OF INSERT)

(INSERT 45-16)

3 **SECTION 85.** 938.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28
4 and (this act), is repealed and recreated to read:

5 **938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing
6 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
7 a juvenile from a foster home or other placement with a physical custodian described
8 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right
9 to be heard at the hearing by permitting the foster parent or other physical custodian
10 to make a written or oral statement during the hearing or to submit a written
11 statement prior to the hearing relating to the juvenile and the requested change in
12 placement. A foster parent or other physical custodian who receives notice of a
13 hearing under sub. (1) (am) 1. or (2m) (b) and a right to be heard under this subsection
14 does not become a party to the proceeding on which the hearing is held solely on the
15 basis of receiving that notice and right to be heard.

NOTE: NOTE: Sub. (2r) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

16 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a
17 juvenile from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian an
18 opportunity to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit
19 a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent or other physical custodian who receives notice
20 of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing
21 is held solely on the basis of receiving that notice and opportunity to be heard.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28.

22 **SECTION 86.** 938.357 (2v) (a) 2m. of the statutes is created to read:

23 **938.357 (2v) (a) 2m.** If the juvenile has one or more siblings, as defined in s.
24 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in
25 placement to a placement outside the home is requested, a finding as to whether the

1 county department or the agency primarily responsible for implementing the
2 dispositional order has made reasonable efforts to place the juvenile in a placement
3 that enables the sibling group to remain together, unless the court determines that
4 a joint placement would be contrary to the safety or well-being of the juvenile or any
5 of those siblings, in which case the court shall order the county department or agency
6 to make reasonable efforts to provide for frequent visitation or other ongoing
7 interaction between the juvenile and the siblings, unless the court determines that
8 such visitation or interaction would be contrary to the safety or well-being of the
9 juvenile or any of those siblings.

10 **SECTION 87.** 938.357 (2v) (b) of the statutes is amended to read:

11 938.357 (2v) (b) *Documentation of basis of findings.* The court shall make the
12 findings under par. (a) 1. and 3. on a case-by-case basis based on circumstances
13 specific to the juvenile and shall document or reference the specific information on
14 which those findings are based in the change in placement order. A change in
15 placement order that merely references par. (a) 1. or 3. without documenting or
16 referencing that specific information in the change in placement order ~~or an~~
17 ~~amended change in placement order that retroactively corrects an earlier change in~~
18 ~~placement order that does not comply with this paragraph~~ is not sufficient to comply
19 with this paragraph.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28.

(END OF INSERT)

(INSERT 46-1)

^

20 **SECTION 88.** 938.357 (2v) (d) of the statutes is created to read:

21 938.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
22 department or the agency primarily responsible for implementing the dispositional

s. 938.21 (5) (e) 2. a. to e.
938.21 5 e 2. a. to e.

order to conduct a diligent search in order to locate and provide notice of the information specified in ~~this subdivision~~ to all relatives of the juvenile named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 938.21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The court may also order the county department or agency to conduct a diligent search in order to locate and provide notice of ~~that~~ information specified in ~~this subdivision~~ to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The county department or agency may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department or agency has reason to believe that it would be dangerous to the juvenile or to the parent if the juvenile were placed with that person or adult relative. ~~The notice shall include all of the information specified in s. 938.21 (5) (e) 2. a. to e.~~

2. Subdivision 1. does not apply if the search required under s. ~~sub. (1) (c) 2m. or (2m) (bm)~~ ^{s. 938.21} was previously conducted under s. ~~938.21 (2) (e) or (3) (f) or 938.335 (6)~~ and the notice required under subd. 1. was previously provided under s. 938.21 (5) (e) 2. or 938.355 (cm) 1. (2)

(END OF INSERT)

(INSERT 46-13)

SECTION 89. 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts

28 and (this act), is repealed and recreated to read:

938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38, 169; 2003 a. 344; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

(INSERT 47-2)

SECTION 90. 938.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28 and (this act), is repealed and recreated to read:

938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent or other physical custodian described in s. 48.62 (2) of the juvenile a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent or other physical custodian who receives notice of a hearing under sub. (1) (a) and a right to be heard under this subsection

1 does not become a party to the proceeding on which the hearing is held solely on the
2 basis of receiving that notice and right to be heard.

NOTE: NOTE: Sub. (1m) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

(1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent or other physical custodian who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38, 109; 2005 a. 344; 2007 a. 20; 2009 a. 28.

(END OF INSERT)

Insert 47-10

(INSERT 47-10)

8 SECTION 91. 938.365 (2g) (b) 3. of the statutes is amended to read:

9 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
10 for 15 of the most recent 22 months, not including any period during which the
11 juvenile's care was not eligible for reimbursement under 42 USC 670 to 679b, any
12 period during which the juvenile was a runaway from the out-of-home placement,
13 or the first 6 months of any period during which the juvenile was returned to his or
14 her home for a trial home visit, a statement of whether or not a recommendation has
15 been made to terminate the parental rights of the parents of the juvenile. If a
16 recommendation for a termination of parental rights has been made, the statement
17 shall indicate the date on which the recommendation was made, any previous
18 progress made to accomplish the termination of parental rights, any barriers to the
19 termination of parental rights, specific steps to overcome the barriers and when the
20 steps will be completed, reasons why adoption would be in the best interest of the
21 juvenile and whether or not the juvenile should be registered with the adoption
22 information exchange. If a recommendation for termination of parental rights has
23 not been made, the statement shall include an explanation of the reasons why a
24 recommendation for termination of parental rights has not been made. If the lack
25 of appropriate adoptive resources is the primary reason for not recommending a

1 termination of parental rights, the agency shall recommend that the juvenile be
2 registered with the adoption information exchange or report the reason why
3 registering the juvenile is contrary to the best interest of the juvenile.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.

4 **SECTION 92. 938.365 (2m) (a) 1m.** of the statutes is created to read:

5 938.365 (2m) (a) 1m. a. If the juvenile is placed outside of his or her home and
6 if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have
7 also been placed outside the home, the person or agency primarily responsible for
8 providing services to the juvenile shall present as evidence specific information
9 showing that the agency has made reasonable efforts to place the juvenile in a
10 placement that enables the sibling group to remain together, unless the court has
11 determined that a joint placement would be contrary to the safety or well-being of the
12 juvenile or any of those siblings, in which case the agency shall present as evidence
13 specific information showing that agency has made reasonable efforts to provide for
14 frequent visitation or other ongoing interaction between the juvenile and the
15 siblings, unless the court has determined that such visitation or interaction would
16 be contrary to the safety or well-being of the juvenile or any of those siblings.

17 b. If the juvenile is placed outside the home and if the juvenile has one or more
18 siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
19 home, the findings of fact shall include a finding as to whether reasonable efforts
20 have been made by the agency primarily responsible for providing services to the
21 juvenile to place the juvenile in a placement that enables the sibling group to remain
22 together, unless the court has determined that a joint placement would be contrary
23 to the safety or well-being of the juvenile or any of those siblings, in which case the
24 findings of fact shall include a finding as to whether reasonable efforts have been

1 made by the agency to provide for frequent visitation or other ongoing interaction
2 between the juvenile and the siblings, unless the court has determined that such
3 visitation or interaction would be contrary to the safety or well-being of the juvenile
4 or any of those siblings.

5 **SECTION 93.** 938.365 (2m) (a) 3. of the statutes is amended to read:

6 938.365 (2m) (a) 3. The court shall make the findings under subd. 1. relating
7 to reasonable efforts to achieve the goal of the juvenile's permanency plan and the
8 findings under subd. 2. on a case-by-case basis based on circumstances specific to
9 the juvenile and shall document or reference the specific information on which those
10 findings are based in the order issued under s. 938.355. An order that merely
11 references subd. 1. or 2. without documenting or referencing that specific
12 information in the order ~~or an amended order that retroactively corrects an earlier~~
13 ~~order that does not comply with this subdivision~~ is not sufficient to comply with this
14 subdivision.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 48-17)

15 / **SECTION 94.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin
16 Acts 28 and (this act), is repealed and recreated to read:

17 938.365 (2m) (ag) The court shall give a foster parent or other physical
18 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right
19 to be heard at the hearing by permitting the foster parent or other physical custodian
20 to make a written or oral statement during the hearing, or to submit a written
21 statement prior to the hearing, relevant to the issue of extension. A foster parent or
22 other physical custodian who receives notice of a hearing under sub. (2) and a right

1 to be heard under this paragraph does not become a party to the proceeding on which
2 the hearing is held solely on the basis of receiving that notice and right to be heard.

NOTE: NOTE: Par. (ag) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

3 (ag) The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity
4 to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written
5 statement prior to the hearing, relevant to the issue of extension. A foster parent or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub.
6 (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that
7 notice and opportunity to be heard.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 49-4)

8 SECTION 95. 938.38 (4) (br) of the statutes is renumbered 938.38 (4) (br) 1. and
9 amended to read:

10 938.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate~~
11 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~
12 ~~sibling of the juvenile and, if a decision is made not to place the juvenile with an~~
13 ~~available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a~~
14 ~~statement as to why placement with the foster parent, adoptive parent, or proposed~~
15 ~~adoptive parent of a sibling is not safe or appropriate.~~ In this paragraph, "sibling"
16 means a person who is a brother or sister of a juvenile, whether by blood, marriage,
17 or adoption, including a person who has a brother or sister of a juvenile before the
18 person was adopted or parental rights to the person were terminated.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28.

19 SECTION 96. 938.38 (4) (br) 2. of the statutes is created to read:

20 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
21 removed from the home, a description of the efforts made to place the juvenile in a
22 placement that enables the sibling group to remain together and, if a decision is made
23 not to place the juvenile and his or her siblings in a joint placement, a statement as
24 to why a joint placement would be contrary to the safety or well-being of the juvenile

1 or any of those siblings and a description of the efforts made to provide for frequent
2 visitation or other ongoing interaction between the juvenile and those siblings. If a
3 decision is made not to provide for that visitation or interaction, the permanency plan
4 shall include a statement as to why that visitation or interaction would be contrary
5 to the safety or well-being of the juvenile or any of those siblings.

(END OF INSERT)

(INSERT 52-2)

6 **SECTION 97.** 938.38 (4m) (b) and (d) of the statutes, as created by 2009
7 Wisconsin Act (this act), are amended to read:

8 938.38 (4m) (b) At least 10 days before the date of the hearing the court shall
9 notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
10 juvenile's foster parent, ~~treatment foster parent~~, the operator of the facility in which
11 the juvenile is living, or the relative with whom the juvenile is living of the time,
12 place, and purpose of the hearing, of the issues to be determined at the hearing, and
13 of the fact that they shall have a right to be heard at the hearing.

14 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
15 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
16 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
17 relative to make a written or oral statement during the hearing, or to submit a
18 written statement prior to the hearing, relevant to the issues to be determined at the
19 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative

1 does not become a party to the proceeding on which the hearing is held solely on the
2 basis of receiving that notice and right to be heard.

(END OF INSERT)

(INSERT 52-19)

3 **SECTION 98.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's
6 parent, guardian, and legal custodian; and the juvenile's foster parent, the operator
7 of the facility in which the juvenile is living, or the relative with whom the juvenile
8 is living of the time, place, and purpose of the review, of the issues to be determined
9 as part of the review, and of the fact that they shall have a right to be heard at the
10 review as provided in par. (bm) 1. The court or agency shall notify the person
11 representing the interests of the public, the juvenile's counsel, and the juvenile's
12 guardian ad litem of the time, place, and purpose of the review, of the issues to be
13 determined as part of the review, and of the fact that they may have an opportunity
14 to be heard at the review as provided in par. (bm) 1. The notices under this paragraph
15 shall be provided in writing not less than 30 days before the review and copies of the
16 notices shall be filed in the juvenile's case record.

NOTE: NOTE: Par. (b) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

17 (b) The court or the agency shall notify the parents of the juvenile, the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent, the operator
18 of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the date, time, and place of the review, of the issues to be determined as
19 part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before
20 the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's
21 guardian ad litem of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than
22 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall
23 be filed in the juvenile's case record.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28.

(END OF INSERT)

(INSERT 53-25)